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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,897	07/20/2000	Richard W. Scott	CEPH-1066	4645

7590 02/23/2004

Paul K Legaard
WOODCOCK WASHBURN KURTZ MACIEWICZ & NORRIS LLP
One Liberty Place
46th Floor
Philadelphia, PA 19103

EXAMINER

NGUYEN, DAVE TRONG

ART UNIT PAPER NUMBER

1632

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

09/621,897

Examiner

Dave T. Nguyen

Applicant(s)

SCOTT ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 9/3/03.
2. ☒ The allowed claim(s) is/are 39-42, 47-64, 77, 79-83 and 85-98.
3. ☒ The drawings filed on 26 June 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: During a telephone interview with Attorney Felicity Groth, the examiner discovered that an oversight has been made in the cover letter of the notice of allowability mailed on November 7, 2003,, wherein allowed claims 41-42 were not indicated in item No. 2. In addition, the examiner and applicant were aware of the fact that the as-filed application fails to comply with the sequence rule compliance. As such, applicant will plan to submit to the US PTO on December first a 312 amendment to correct the sequence rule compliance. The examiner then indicates to applicant that for completeness, the cover letter of the notice of allowability will be reprinted for correction and will be attached to the response to the 312 amendment.



DAVE T. NGUYEN
PRIMARY EXAMINER

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/621,897	SCOTT ET AL.	
	Examiner	Art Unit	
	Dave T. Nguyen	1632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 01 December 2003 under 37 CFR 1.312 has been considered, and has been:

- a) ☒ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) ☐ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The request to enter the computer readable & corresponding paper copy of the sequence listing, which does not introduce new matters, has been entered by the examiner.

In addition, a reproduced cover letter of ~~the~~ notice of allowability mailed on Nov-7, 2003 has been attached. The only difference in this cover letter as compared to the mailed one is that allowed claims 41 and 42 are mentioned in item 2 of the cover letter.

Finally, the interview summary dated 11/26/03 is attached to this response.



**DAVE T. NGUYEN
PRIMARY EXAMINER**